

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN DEL TORO,

Plaintiff,

v.

VASUKI DARAM, et al.,

Defendants.

No. 2:22-cv-0725 DJC AC P

ORDER

On August 11, 2023, defendant Daram filed a motion to partially dismiss the first amended complaint. ECF No. 33. The motion seeks dismissal of plaintiff's request for punitive damages for his professional negligence claim and claim for damages against defendant in her official capacity. *Id.* Plaintiff has filed a statement of non-opposition in which he states that he does not dispute the facts presented and does not object to the motion being granted. ECF No. 35.

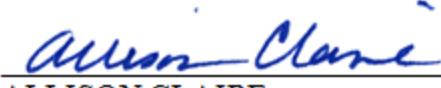
Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's statement of non-opposition (ECF No. 35) is construed as a voluntary dismissal of his request for punitive damages for the professional negligence claim against defendant Daram and his claim for damages against Daram in her official capacity and the Clerk of the Court is directed to update the docket accordingly.

2. Plaintiff's claims for punitive damages for the professional negligence claim and for damages against defendant Daram in her official capacity are accordingly DISMISSED; and

1 3. Defendant Daram's motion to partially dismiss the first amended complaint (ECF No.
2 33) is summarily DENIED as moot.

3 DATED: October 19, 2023

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE

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